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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY
CRL OP(MD). No.17726 of 2024

Balaji R,

.. Petitioner/1st Accused

Vs

The State of Tamil Nadu,
Rep By, The Inspector of Police,
Srivaikundam Police Station,
Srivaikundam,
Thoothukudi District.
Cr.No.255 of 2024..

... Respondent/Complainant

For Petitioner : N.Pragalathan,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

C-33AB. For Anticipatory Bail in Cr.No.255 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 303(2) BNS, 2023 r/w. Section 21(5) of the Mines and Minerals (Development and Regulation), Act 1957 in Crime No.255 of 2024, seeks anticipatory bail.



2.The case of the prosecution is that the petitioner herein and other accused had illegally transported 1 unit of river sand. Hence, the complaint.

3. Heard both sides.

4.Considering the nature of the allegations and that the petitioner herein is having 3 previous cases in same nature, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5.Accordingly, the petitioner shall pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of PAO, ASI, Hyderabad, (Account No.0606201022184, IFSC Code: CNRB0000606, Canara Bank, Hyderabad ABID Road Main, Post Bag No.4, 4-1-954, ABID Road, Hyderabad 500001) and the said amount shall be used for the purpose of preserving, cleaning and upkeep of the Monuments in and around the Madurai City, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the concerned Court while executing the sureties.

6.On production of such receipt, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.I, Srivaikundam, Thoothukudi District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further



conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/10/2024

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

- 1.The Judicial Magistrate No.I,
Srivaikundam, Thoothukudi District,
2. Do-Through The Chief Judicial Magistrate,
Tuticorin District.
- 3.PAO,
ASI,
Hyderabad.
4. The State of Tamil Nadu,
Rep By,The Inspector of Police,
Srivaikundam Police Station,
Srivaikundam,
Thoothukudi District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-12726[I] dated 19/10/2024)

CRL OP(MD) No.17726 of 2024
Date :18/10/2024

KVL/18.11.2024 4P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023